

AMENDED IN ASSEMBLY MARCH 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1135

Introduced by Assembly Member Spitzer

February 21, 2003

An act to add Section 1714.27 to the Civil Code, relating to immunity.

LEGISLATIVE COUNSEL'S DIGEST

AB 1135, as amended, Spitzer. Immunity: ~~safe rides~~: *intoxicated passengers*.

Existing law provides immunity from civil liability for injury or death to a person caused by the acts ~~of~~ *or* omissions of certain persons or entities, as specified.

This bill would provide comparable immunity to any ~~nonprofit person or organization, as defined, and any officer, employee, or volunteer thereof,~~ that provides ~~safe rides, as defined,~~ *vehicular rides to intoxicated persons* for any injury ~~to,~~ or death ~~of,~~ *an intoxicated passenger* resulting from ~~a safe ride, unless the injury or death is the result of gross negligence~~ *any ride thereof, if that passenger contributed to the cause of the injury or death by a percentage of fault of more than 50%.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 1714.27 is added to the Civil Code, to~~
2

1 SECTION 1. This act shall be known and may be cited as
2 Allison's Law.

3 SEC. 2. Section 1714.27 is added to the Civil Code, to read:

4 1714.27. Any person or organization that provides vehicular
5 rides to intoxicated persons is not liable for any injury to, or death
6 of, an intoxicated passenger resulting from any ride thereof, if that
7 passenger contributed to the cause of his or her injury or death by
8 a percentage of fault of more than 50 percent. The doctrine of
9 comparative fault is not applicable to these circumstances.

10 read:

11 ~~1714.27. (a) Except for injury or death resulting from gross~~
12 ~~negligence, any nonprofit organization, and any officer,~~
13 ~~employee, or volunteer thereof, that provides a safe ride to any~~
14 ~~person, is not liable for any injury or death resulting from that safe~~
15 ~~ride.~~

16 ~~(b) For purposes of this section:~~

17 ~~(1) "Nonprofit organization" means any corporation~~
18 ~~incorporated pursuant to Division 2 (commencing with Section~~
19 ~~5000) of Title 1 of the Corporations Code.~~

20 ~~(2) "Person" means any natural person who requests the~~
21 ~~services of a nonprofit organization, or of any officer, employee,~~
22 ~~or volunteer thereof, to drive that person to a safe destination,~~
23 ~~usually home, because that person is under the influence of~~
24 ~~alcohol.~~

25 ~~(3) "Safe rides" means a service that prevents driving under~~
26 ~~the influence of alcohol by providing free or low cost~~
27 ~~transportation to a safe destination, usually home, to any person~~
28 ~~who is under the influence of alcohol.~~